

REMARKS

Claims 5-7, 11-18, and 22-53 are pending in the present application.

At the outset, Applicants wish to thank Examiner Chang for the helpful and courteous discussions with their undersigned Representative on October 4, 2005 and October 13, 2005. During these discussions various amendments and arguments were discussed to address the outstanding rejections. In particular, during these discussions, the compounds of Claim 5 were discussed, as well as the applicability of Hurnaus et al ('946). Applicants wish to thank the Examiner for recognizing that the compounds of Claim 5 are allowable (see Interview Summary). The content of these discussions is reflected by the amendments and remarks set forth herein. Reconsideration is respectfully requested.

The rejection of Claims 1-4 and 19-21 under 35 U.S.C. §103(a) over Hurnaus et al is obviated by amendment.

This ground of rejection was apparently maintained because the Examiner held the proviso in Claim 1 to be new matter. However, in the Office Action the Examiner alleges that "even in the amended version, the instant claims differ from [Hurnaus] et al '946 compounds by one methyl i.e. when one of R5 or R8 is C1-alkyl." Applicants note that this assertion is in error as none of the compounds in Claim 5 differ from those disclosed by Hurnaus et al by a single methyl group.

To this end, in compounds (1) – (3) and (5) – (7) each compound has either R5 or R8 as a alkoxy group and compound (8) has either R5 or R8 as a isobutyl group. Clearly these compounds are outside the scope of the Hurnaus et al disclosure. Further, in regard to compound (4) both of R5 *and* R8 are methyl groups. As such, in compound (4) the phenyl

ring is trisubstituted as opposed to the corresponding monosubstituted phenyl disclosed by Hurnaus et al. Applicants submit that such a modification is neither disclosed nor suggested by Hurnaus et al. Applicants wish to thank the Examiner for recognizing that the compounds of Claim 5 are allowable (see Interview Summary).

In view of the foregoing, Applicants request withdrawal of this ground of rejection.

The rejection of Claims 1-5, 7, and 19-21 under 35 U.S.C. §112, first paragraph (written description), is obviated by amendment.

In the outstanding Office Action the Examiner alleges that the proviso added to Claim 1 in the response filed on June 14, 2005, does not find support in the original specification. In so doing, the Examiner states: "Any negative limitation or exclusionary proviso must have basis in the original disclosure." Applicants note that the proviso contained in the claims does in fact find support in the specification; however, Applicants make no further statement with respect to the propriety of this ground of rejection and reserve the right to make further comments in an ensuing continuation application. In order to expedite allowance of the subject matter that has recognized to be allowable, the language that the Examiner finds objectionable has been canceled.

In view of these amendments, Applicants request withdrawal of this ground of rejection.

The rejection of Claims 1-4 and 19-21 under 35 U.S.C. §102(b) over Hurnaus et al is obviated by amendment.

This ground of rejection was maintained because the Examiner held the proviso in Claim 1 to be new matter. However, with cancellation of Claim 1 this ground of rejection is now believed to be moot.

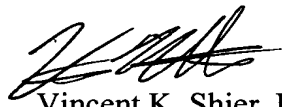
Withdrawal of this ground of rejection is requested.

The rejections of Claim 10 as lacking utility and under 35 U.S.C. §112, first paragraph, are obviated by cancellation of this claim. Acknowledgement that these rejections have been withdrawn is requested.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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